Senate Bill 72

By: Senators Stone of the 23rd, Ligon, Jr. of the 3rd, Miller of the 49th and Bethel of the 54th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state administrative provisions, so as to change certain provisions regarding the rate of interest to be paid for refunds and on past due taxes; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state administrative provisions, is amended by revising subsection (a) of Code Section 48-2-35, relating to refunds, as follows:

″(a) A taxpayer shall be refunded any and all taxes or fees which are determined to have been erroneously or illegally assessed and collected from such taxpayer under the laws of this state, whether paid voluntarily or involuntarily, and shall be refunded interest, except as provided in subsection (b) of this Code section, on the amount of the taxes or fees at the rate of ~~1~~ 7 percent per ~~month~~ annum commencing from the date of payment of the tax or fee to the commissioner. ~~For the purposes of this Code section, any period of less than one month shall be considered to be one month.~~ Refunds shall be drawn from the treasury on warrants of the Governor issued upon itemized requisitions showing in each instance the person to whom the refund is to be made, the amount of the refund, and the reason for the refund.″

SECTION 2.

Said article is further amended by revising Code Section 48-2-40, relating to rate of interest on past due taxes, as follows:

″48-2-40.

Except as otherwise expressly provided by law, taxes owed the state or any local taxing jurisdiction shall bear interest at the rate of ~~1~~ 7 percent per ~~month~~ annum commencing from the date the tax is due until the date the tax is paid. ~~For the purposes of this Code section, any period of less than one month shall be considered to be one month.~~ This Code section shall also apply to alcoholic beverage taxes.″

SECTION 3.

This Act shall become effective on July 1, 2013, and shall be applicable to all interest due and payable for any month beginning on or after July 1, 2013.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.